

REMARKS

This responds to the Office Action dated July 5, 2006, and the references cited therewith.

Claims 1-2 and 11-12 are amended, claims 4-6 and 14-16 are canceled, and claims 21-24 are added; as a result, claims 1-3, 7-13, and 17-24 are now pending in this application.

Objection to the Claims

Claim 12 was objected to due to an informality. Applicant has amended the claim to overcome this objection.

§102 and §103 Rejection of the Claims

Claims 1, 3, 4, 7, 10, 11, 13, 14, 17 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Darvish et al. (U.S. Patent No. 6,292,693). Claims 2 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Darvish et al. (U.S. Patent No. 6,292,693) in view of Salo et al. (U.S. Patent No. 4,686,987). Claims 8 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Darvish et al. (U.S. Patent No. 6,292,693). The rejections are traversed and reconsideration is respectfully requested.

Applicant does not necessarily agree with the assertions contained in the office action relating to what is taught by the Darvish and Salo references. Applicant has amended the claims herein, however, in a manner believed to overcome the rejections under sections 102 and 103 as indicated by the statement of allowable subject matter in the office action. Applicant has amended claims 1 and 11 to incorporate the limitations formerly recited by claims 5 and 15, respectively. The recitations regarding sensing a parameter related to cardiac output and switching the pulse output configuration in accordance therewith have been removed from claims 1 and 11 as applicant does not believe those limitations are necessary to patentably distinguish over the cited references. Newly added independent claims 21 and 23 similarly recite the limitations formerly recited by claims 6 and 16, respectively. Applicant believes that the recitations of claims 1-3, 7-13, and 17-24 as amended herein are neither taught nor suggested by the prior art of record.

Allowable Subject Matter

Claims 5, 6, 9, 15, 16 and 19 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. In view of the remarks and amendments set forth above, applicant believes that the objections to these claims have been overcome.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5 day of October 2006.

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Signature